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# BY-LAW

## PROVIDING FOR THE DUE PERFORMANCE OF STATUTE LABOUR.

PASSED 8th February, 1847.

WHEREAS the By-law passed by the Municipal Council of the District of Bathurst, on the 10th day of November 1842, intituled, "By-law relating to Statute Labour," is defective, and it is necessary that the same should be repealed, and new provision made for the more efficient performance of the Statute Labour to be done hereafter within the several townships in the said District of Bathurst.

Be it therefore enacted by the Municipal Council of the said District of Bathurst, constituted and assembled at Perth, by virtue and under the authority of an Act passed during the first Session of the first Parliament of Canada, intituled, "An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada, by the establishment of local or Municipal authorities therein," and also under and by virtue of another Act of the said Parliament of Canada, made and passed in the ninth year of the Reign of Her Majesty Queen Victoria, chapter 40th, intituled, "An Act to amend the laws relating to District Councils in Upper Canada," and it is hereby enacted by the authority of the same, that the said By-law made and passed by the said Municipal Council of the said District of Bathurst, on the tenth day of November, in the year of our Lord one thousand eight hundred and forty two, be, and the same is hereby repealed.

1st. And be it enacted by the authority aforesaid, that it shall and may be lawful for the Municipal Council of the said District, in Council assembled, to appoint annually three persons in each and every township in the District, to allot and distribute the Statute Labour to be done in the respective townships for which they are appointed; and to hold such and so many meetings during each and every year as may be necessary for that purpose; and that all the powers and authority heretofore vested in and exercised by the Justices of the Peace within their respective divisions, under and by virtue of the 20th Section of the Act 1st Victoria chapter 21, intituled, "An Act to alter and amend sundry Acts regulating the appointment and duties of township officers;" shall and may be vested in and exercised by such persons, or a majority of them, so appointed, within their several and respective townships, so far as the said powers and authority appertain to, or are connected with the appropriation, controul, management, and distribution of the Statute Labour within such townships respectively, and that when acting in such capacity they shall be designated "Commissioners of Statute Labour;" and before they enter on their duties shall take and subscribe before the Township Clerk, the following declaration, viz., I————, do solemnly declare, that I will well and faithfully perform my duty as a Commissioner of Statute Labour for the township of————in the current year.

2nd, And be it enacted by the authority aforesaid, that each of the township Clerks of the several and respective townships in the said District shall act as Clerk to the said Commissioners of Statute Labour, and shall lay before the said Commissioners at their first meeting in each year, an account of the total quantity of Statute Labour available from the residents in such township, and when the same has been allotted, he shall give or transmit to each of the pathmasters therein an account of such and so much thereof as falls within each pathmaster's division or range, together with a list of the names of the persons who are to perform the work, exhibiting the number of days for which every such person is liable.

3rd. And be it enacted by the authority aforesaid, that the first meeting to be held by the Commissioners of Statute Labour shall be holden at the place where the last township meeting was held in the respective townships, on or before the first day of May in each and every year, of which meeting due notice at least eight days previously thereto shall be given by the township Clerk: Provided always that any subsequent meetings may be held at any place in the township which they may deem expedient, of which due notice shall in like manner be given.

4th. And be it enacted by the authority aforesaid, that it shall be in the discretion of any person or persons liable to perform Statute Labour to commute the same, on or before the first day of June, in each and every year, at the rate of two shillings and six pence per day; all of which Commutation Money shall be paid to the Pathmaster, or Street Surveyor, and shall be by either of them expended within the Section or town where the said Pathmaster or Street Surveyor has jurisdiction.

5th. And be it enacted by the authority aforesaid, that it shall be the duty of each township Clerk on or before the tenth day of July in each and every year, to exhibit to the said Commissioners of Statute Labour an account in writing, shewing the amount of money he has in his hands, whether arising from Commutation Money, Fines, or from any other source; and it shall be the duty of such Commissioners of Statute Labour to expend the same in the improvement of the Roads, Streets, or Bridges, or either of them, and direct that the cost of the same shall be paid out of such funds, by the township Clerk.

6th. And be it enacted by the authority aforesaid, that it shall be the duty of each and every Pathmaster, and of every Street Surveyor, on or before the twentieth day of November in each and every year, to deliver to the Township Clerk for the purpose of being laid before the said Commissioners of Statute Labour, an account in writing, exhibiting the names of the persons liable to perform Statute Labour, within his respective division, or town, with the number of days each person is liable to work; and also how every such person has performed his labour: which return shall be in the following form; that is to say:

*RETURN of Statute Labour performed in (Section No. — or Concession No. — in the Township of ————————, or Town of Perth and the twenty-five acre Lots) in the year* 184

| *Names of persons liable to perform Statute Labour in Division No. — (or town of Perth and 25 acre lots.)* | *No. of days each person is bound to work.* | *Performed* | *Performed in part.* | *Refused* | *Commuted. Am't.* | *Observations.* |
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Which said return shall be declared to before some one of the Justices of the Peace acting in and for the District of Bathurst, (which Declaration any Justice of the Peace is hereby authorized and required to administer;) and which Declaration shall be in the following form, namely:

I————————Pathmaster, (or Street Surveyor) of Road division No——(or o

Concessions No——in the township of————or of the Town of Perth and the 25 Acre lots) do solemnly declare, that the above return is true and faithful in all respects and particulars, to the best of my knowledge and belief.

Declared before me at }
this day of 184 }

A. B., *J. P.*

7th. And be it enacted by the authority aforesaid, that the Commissioners of Statute Labour for the township of Drummond shall have a separate and distinct jurisdiction therein, and over only the rural parts of the said township; and the Town of Perth including the twenty five acre lots, although lying and being within the said township of Drummond, shall be distinct therefrom: and the persons, property, and land, lying and being within the said twenty five acre lots shall be taken and held for all the purposes of this By-law, to belong to, and to be within the limits and boundaries of the said town of Perth, over the appropriation, management, and control of the Statute Labour to be done by the residents therein, the Commissioners to be appointed therefor shall have an entire and a like separate jurisdiction.

8th. And be it enacted by the authority aforesaid, that a notice, whether verbal or written, from the Pathmaster or Street Surveyor, delivered personally to any individual, liable to perform Statue Labour, or to the wife, servant, or other domestic of such individual, (such domestic or servant being of the full age of fourteen years,) shall be deemed to be a good and sufficient notice to such individual to perform his Statute Labour. Provided always that such notice shall be given at least six days previous to his being required to perform the same: And Provided also, that such Pathmaster or Street Surveyor shall state the day and place at which he shall require the attendance of such person, and the description of tool or implement he will require to bring with him to aid in the performance of such Statute Labour.

9th. And be it enacted by the authority aforesaid, that a lawful day's Statute Labour shall be of Eight hours duration, namely, from eight of the clock in the morning to twelve o'clock noon; and from one of the clock in the afternoon until five o'clock in the evening.

10th. And be it enacted by the authority aforesaid, that no Statute Labour shall be done or performed before the first day of June, or after the first day of August in each year, except for the repair of some Bridge broken down, or where the Public Highway has been destroyed by floods of water, or where the Public Highway has been obstructed by fallen timber, or by reason of any other casualty or impediment.

11th. And be it enacted by the authority aforesaid, that it shall and may be lawful at any period of the year, for the Pathmaster to call upon any person or persons, or any number of them, liable to perform Statute Labour, to assist in repairing the Public Highways so destroyed by such floods of water, or to assist in clearing away any obstructions which may be occasioned by a wind fall, or to open up the Highway which may be impeded by any casualty whatsoever; and the labour thus performed by such person or persons shall be accounted for to each person by the Pathmaster as so much Statute Labour done and performed, either in the year in which such work is done, if he has not then performed his Statute Labour, or in the following year, if he has done so; and the Pathmaster shall give him a receipt for the doing of such extra work, which receipt shall be recognized by the Pathmaster's successor.

12th. And be it enacted by the authority aforesaid, that if at any time during the period for performing the Statute Labour, it should so happen, that any Pathmaster or Street Surveyor should be taken sick, or be otherwise disabled, it shall and may be lawful for such Pathmaster or Street Surveyor to appoint a Deputy to act for him; but nevertheless the Pathmaster or Street Surveyor shall be answerable and responsible for the acts of such Deputy.

13th. And be it enacted by the authority aforesaid, that should any person or persons refuse or neglect to do the Statute Labour which may become necessary to be done by reason of the occurrence of any casualty as herein before named, he shall be liable and subject to the same penalties to which persons are liable for the non-performance of their ordinary Statute Labour; which penalty may be recovered on the complaint of the Pathmaster to any Justice of the Peace acting within the District, and after conviction may be recovered by Warrant of Distress under the hand and seal of such Justice of the Peace, against the goods and chattels of the person or persons neglecting or refusing to do such Statute Labour which it may become requisite to do, by reason of the occurrence of such casualty as aforesaid: eight days previous notice being given before proceeding to a sale.

14th. And be it enacted by the authority aforesaid, that if any vacancy should occur in any of the Township offices within any township in this District, either by death, refusal to act, or removal from the township, of the person appointed thereto, it shall and may be lawful for the Commissioners of Statute Labour, or a majority of them, acting within such township, to appoint fit and proper persons to fill such vacancies, any law or By-law passed heretofore by this Council at any time to the contrary notwithstanding.

15th. And be it enacted by the authority aforesaid, that it shall be the duty of the Commissioners of Statute Labour now or hereafter to be appointed as aforesaid, and they are hereby authorised and required (if they shall see it to be necessary) to Compound with any individual or individuals for the performance of his or their Statute Labour, for a term not exceeding Five Years; at the rate, and under the powers contained in the 13th Section of the Amended Municipal Act 9th Victoria chapter 40th, herein before quoted.

R. BELL,
*Warden, Bathurst District.*

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# A BY-LAW

## TO DEFINE THE DUTIES OF COMMISSIONERS OF STATUTE LABOUR IN CERTAIN CASES.

PASSED 9th February, 1847.

BE it enacted by the Municipal Council of the District of Bathurst, constituted and assembled atPerth, by virtue and under the authority of an Act passed during the first session of the first Parliament of Canada, intituled, "An Act to provide for the better internal Government of that part of this Province which formerly constituted the Province of Upper Canada by the establishment of local or Municipal authorities therein," and also under and by virtue of another Act of the Parliament of Canada, made and passed in the second session of the second Parliament thereof, in the 9th year of the Reign of Her Majesty Queen Victoria chapter 40, intituled, "An Act to amend the law relating to District Councils in Upper Canada," and it is hereby enacted by the authority of the same, that the Commissioners of Statute Labour now or hereafter to be appointed by the Municipal Council of the said District of Bathurst, in compounding or agreeing with any person or persons resident in the township, for which they do respectively act, for ma-

king in a permanent and substantial manner any part of any public Road or bridge within their respective townships, in lieu of the Statute labour which he or they may be required to perform in the township, for any number of years not exceeding five, shall, and they are hereby required to commit any such agreement they may so make to writing, which shall be signed by the parties so making such agreement; and thereupon it shall be binding upon the said Commissioners of Statute labour and their successors, and the other parties thereto, and upon the due performance of such agreement by the party or parties thereto, such party or parties performing the same shall be exempted from all Statute labour in the township for the full term of time agreed upon.

And be it enacted by the authority aforesaid, that in case any person or persons after having subscribed to such agreement as aforesaid, shall neglect or refuse to perform the same in the manner and within the time appointed in such agreement, he or they shall be liable to the like penalty that persons are by the Act 1st Victoria chapter 21 liable, who refuse or neglect to perform their Statute labour.

And be it enacted by the authority aforesaid, that if it shall happen that any person or persons shall enter into an agreement with the Commissioners of Statute labour as aforesaid, and in pursuance of such agreement make a part or the whole of the work required by such agreement to be made, but upon which a dispute may arise between the Commissioners of Statute labour making such agreement or their successors, and the other party or parties thereto, touching the fulfilment and proper performance of such agreement, such dispute, shall and may be submitted to three of the Pathmasters acting in the township for which such Commissioners of Statute labour have been appointed, and such three Pathmasters shall be drawn by a public and impartial ballot from the whole list of Pathmasters acting in the township for the year: which ballot shall be made by the township Clerk, who shall give the contending parties due notice of the time and place where such ballot shall take place, and it shall be the duty of such Township Clerk to appoint a time and place for the meeting of said Pathmasters so balloted, giving them, and also the parties to such dispute at least eight days notice in writing, and thereupon it shall be the duty of such Pathmasters to meet, and after having had the agreement submitted to them, and after having examined the premises, to make such award as to them or a majority of them shall appear just and right, which award shall be binding on the parties and be final.

R. BELL,
*Warden, Bathurst District.*

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C. RICE, PRINTER.